

ASSEMBLY BILL

No. 1684

Introduced by Assembly Member Jeffries

January 26, 2010

An act to amend Section 325 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1684, as introduced, Jeffries. Civil actions: adverse possession.

Existing law requires that a person claiming title in an action for adverse possession show that the land has been occupied and claimed for the period of 5 years continuously, and the party or person, their predecessors and grantors have paid all taxes, as provided.

This bill would provide that payment of those taxes shall be established by certified records of the county tax collector.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 325 of the Code of Civil Procedure is
- 2 amended to read:
- 3 325. (a) For the purpose of constituting an adverse possession
- 4 by a person claiming title, not founded upon a written instrument,
- 5 judgment, or decree, land is deemed to have been possessed and
- 6 occupied in the following cases only:
- 7 ~~First—Where~~
- 8 (1) ~~Where~~ it has been protected by a substantial ~~inclosure~~
- 9 ~~enclosure~~.

1 ~~Second—Where~~
2 (2) *Where* it has been usually cultivated or improved.
3 ~~Provided, however, that in~~
4 (b) *In* no case shall adverse possession be considered established
5 under the provision of any section ~~or sections~~ of this ~~Code~~ *code*,
6 unless it shall be shown that the land has been occupied and
7 claimed for the period of five years continuously, and the party or
8 persons, their predecessors and grantors, have paid all ~~the taxes~~,
9 ~~State~~ *state*, county, or municipal, ~~which taxes that~~ have been levied
10 and assessed upon ~~such~~ *the* land. *Payment of those taxes by the*
11 *party or persons, their predecessors and grantors shall be*
12 *established by certified records of the county tax collector.*